

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Xiao Bing Wang

Serial No.: 09/862,417

Filed: May 23, 2001

For: Isometric Primer Extension Method and Kit
for Detection and Quantification of Specific
Nucleic Acid



Confirmation No.: 8468

Group Art Unit: 1637

Examiner: Siew, Jeffery

Docket No.: 122001.1050

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☐ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either a:
☐ Statement Under 37 C.F.R. 1.97(e), or
☒ a \$180.00 fee under 37 CFR 1.17(p), or
 (After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).
 (Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

04/19/2004 CCHAU1 00000108 09862417

01 FC:1806

180.00 DP

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicant believes no fee is due with this paper; however, if the Examiner determines a fee is required, the Commissioner is authorized to charge any requisite fee to Deposit Account No. 20-0778.

- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies of non-U.S. patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. § 1.98(a), a legible copy of each non-U.S. document is provided.
- ☒ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English

language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

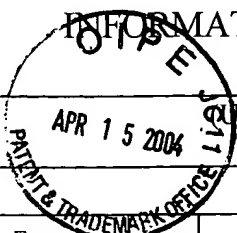
Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


Charles Vorndran, Reg. No. 45,315

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
770-933-9500

Form PTO-1449				Attorney Docket No. 122001.1050		Serial No. 09/862,417	
 INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant Xiao Bing Wang			
				Filing Date May 23, 2001		Group 1637	
U.S. PATENT DOCUMENTS							
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A1	5,830,655	11/3/98	Becker et al.	435	6	4/26/96
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation Yes No
	A2	WO 99/57318	11/11/99	PCT			X
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	A3	Braun, A., et al. (1997) Improved analysis of microsatellites using mass spectrometry. Genomics, Academic Press, San Diego, US; Vol. 46, pp. 18-23.					
	A4	Kornher, et al. (1989) Mutation detection using nucleotide analogs that alter electrophoretic mobility, Nucleic Acids Research, Oxford University Press, Vol. 17, No. 19, pp. 7779-7784					
	A5	Müller, Sabine et al. (March 2000) Retention in imprinting of the human apoptosis-related gene TSSC3 in human brain tumors. Human Molecular Genetics; Vol. 9, No. 5, pp. 757-763.					
	A6	European Search Report dated December 1, 2003 for EP 01 30 4958					
	A7	European Search Report dated February 4, 2004 for EP 01 30 4958					
* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							
EXAMINER'S SIGNATURE:				DATE CONSIDERED:			
Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE							